

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RANDALL KELTON and KARA BELL,

Plaintiffs,

v.

NORDSTROM, INC. *d/b/a*
NORDSTROM RACK, et al.,

Defendants.

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1:23-CV-395-DII

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning various Defendants' motions to dismiss, (Dkts. 8, 9, 11–15, 17–24). (R. & R., Dkt. 71). Plaintiffs filed objections to the report and recommendation. (Objs., Dkt. 73).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 71), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss, (Dkts. 8, 9, 11–15, 17–24), are **GRANTED**.

IT IS FINALLY ORDERED that Plaintiffs' Second Amended Complaint, (Dkt. 5), is **DISMISSED** in its entirety. Plaintiffs' claims against Defendants Bruner, LaVoie, Whalen, Stark, Damphousse, Cradduck, and Bell are **DISMISSED WITHOUT PREJUDICE** for lack of standing. Plaintiffs' claims against the rest of the Defendants are **DISMISSED WITH PREJUDICE**. The Court will issue final judgment by separate order.

SIGNED on December 19, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE